

1 page?

2 A. The top of page 2, yeah.

3 Q. Looking at those responses on the
4 second page, can you tell generally what
5 questions those respond to?

6 A. I knew none of this. I didn't know
7 these were asked and I would have to guess what
8 they're even referring to.

9 Q. And you never saw those responses
10 before today?

11 A. Correct. No. I'm learning some of
12 this for the first time as I'm reading it right
13 now.

14 Q. Will you please turn the page.

15 A. Sure.

16 Q. Do you recognize that?

17 A. That I recognize.

18 Q. What is that?

19 A. Those are my responses. I typed them
20 up. This is on my computer-macroed letterhead.

21 Q. Is there any reason why you did not

1 sign that letter?

2 A. Carelessness. It's a macro. It signs
3 it automatically. Just busy.

4 Q. And to be honest with you, I'm not
5 trying to imply that anything is wrong.

6 A. No. I know. I could sign it here.

7 Q. I appreciate that, but that won't be
8 necessary.

9 A. Just too busy. That's all I could
10 tell you. I recognize this, of course.

11 Q. Do you recognize any of the subsequent
12 pages?

13 A. Certainly not. I don't even know what
14 these are.

15 Q. But you did not recommend that they be
16 attached to the letter?

17 A. I don't even know what they are, sir.
18 Well, I recognize this.

19 Q. And what are you referring to?

20 A. Our Relationship with Long Distance
21 Carrier and Local Exchanges. This is a Buzz

1 Telecom policy letter. I recognize that.

2 Q. Did you write it?

3 A. No. I recognize this.

4 Q. And what is that?

5 A. Standard Sales Pitch. It's just a
6 standard sales pitch. I would be copied this in
7 my area.

8 Q. What was that dated?

9 A. Originally, April 24, 2002. Modified
10 May 15, 2002.

11 Q. Did you write that?

12 A. No, sir. I wasn't with the company at
13 either of those times.

14 Q. Okay.

15 A. And I recognize this, of course.

16 Q. And what is that?

17 A. More of the standard sales pitch.

18 Q. And who is that second standard sales
19 pitch signed by?

20 A. Katrina Reyello (phonetic).

21 Q. Did you know Ms. Reyello?

1 A. Sure.

2 Q. What was your relationship with her?

3 A. She was not in my area so she was not
4 my junior in anyway. We had very little
5 association. I would just say we were
6 associates.

7 Q. Okay.

8 A. I read this when I was in my training.

9 Q. And, again, what is that?

10 A. That is the Objection Handlings.

11 Q. And what is that dated?

12 A. 26th April 2002.

13 Q. And then the last page?

14 A. Just more of the same.

15 Q. Is the last page a continuation?

16 A. Yes. Of the Objection Handlings.

17 Q. Do you recall ever suggesting to Ms.
18 Dennie or anyone else at Business Options that
19 they attach any of these attachments to the May
20 9th letter starting with the certificate?

21 MR. SHOOK: You mean the December 9th

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1 letter?

2 Q. The December 9th letter, starting with
3 the state of Illinois, from the office of
4 secretary of state and going all the way to Mr.
5 Kurtis Kintzel's Business Options' Super Saver,
6 Objection Handling, dated April 26th?

7 A. I just had no connection with this
8 document whatsoever besides the one letter I
9 wrote. This is the first time I've seen it. I
10 never knew where it went or what happened to it.

11 Q. And by "it" you mean this whole
12 package?

13 A. Right. This package. Exactly.

14 Q. And if I can draw your attention to
15 the first page which is the actual letter to Mr.
16 Wolfe of the FCC dated December 9th. Did you
17 have any responsibility for drafting this?

18 A. Certainly not.

19 Q. You did not review it?

20 A. I did not review it.

21 Q. You didn't discuss with Ms. Dennie or

1 anyone else about what was going to go in that
2 part of the letter?

3 A. The way our business was structured,
4 this was just not my area. I had very little
5 contact. This would all happen without my
6 knowledge.

7 Q. Okay. Will you read the first two
8 sentences of the letter into the record please?

9 A. "Dear Mr. Wolfe, I'm faxing the
10 responses as you requested. We will be sending
11 over the state complaints as soon as we receive
12 them. If you have any questions, comments or
13 concerns, please contact me." And then the phone
14 number.

15 Q. The second sentence that you read
16 says, "We will be sending over the state
17 complaints as soon as we receive them."

18 Do you have any knowledge, sitting
19 here today, that Ms. Dennie sent those state
20 complaints over?

21 A. None whatsoever about the complaints

1 themselves or whether she responded.

2 Q. I'd like to draw your attention to the
3 second page of the response.

4 A. Okay.

5 Q. To the top of the page that's titled
6 "Business Options Responses." Will you read the
7 last sentence at the bottom of the page.

8 A. "For questions 7 through 11, please
9 see attached letter from VP of administration."

10 Q. Who is VP of administration?

11 A. That's me.

12 Q. And on December 9th, you were the vice
13 president of administration?

14 A. That's correct.

15 Q. And will you please turn to the third
16 page.

17 A. Sure.

18 Q. Will you describe what that is?

19 A. Again, I was given these questions. I
20 don't recall the precise form. I get the picture
21 in my mind that it's copied, a copy of the

1 questions themselves. And I'm assuming there
2 were no blanks on the form to answer them, so I
3 chose to type them on my letterhead on my
4 computer.

5 Q. And that's what is represented here on
6 the third page?

7 A. That's correct, yes.

8 Q. What is the letter that you drafted?
9 Or what is the date on that?

10 A. 4 December, 2002.

11 Q. Will you read the first sentence?

12 A. "As the senior employee over all human
13 resource matters at Buzz Telecom, I'm happy to
14 forward the answers to questions as of our legal
15 department by the FCC." Poor sentence structure,
16 but I think you understood what I was trying to
17 do.

18 Q. I certainly did.

19 MR. HAWA: Would this be a good time
20 for a break?

21 MR. HARKRADER: This would be a good

1 time. How about a five-minute break.

2 THE WITNESS: Sure.

3 (A short break was taken.)

4 BY MR. HARKRADER:

5 Q. Mr. Chill, before we broke, we were
6 discussing the letter that you had drafted dated
7 December 4th that was attached to the December 9,
8 2002 letter from Business Options to the FCC.

9 A. Yes.

10 Q. Do you recall if this letter that
11 you're looking at in front of you, dated December
12 4th, if you drafted everything or wrote
13 everything in that letter?

14 A. I did, yes.

15 Q. Did anybody modify that?

16 A. Oh, no.

17 Q. Did anybody modify anything you wrote
18 in this letter?

19 A. No, sir.

20 Q. Did anyone review it?

21 A. I wouldn't know.

1 Q. Okay. I would like to draw your
2 attention to the November 1st letter from the FCC
3 to the legal department of Business Options,
4 specifically to questions 7 through 10. If we
5 could just start with question 7.

6 A. Right.

7 Q. Will you please read that question,
8 and you can read it out loud please.

9 A. "Has BOI or its agents found any
10 instances since April 1, 2002 in which BOI
11 telemarketing employees told a customer that they
12 were representing the customer's telephone
13 company and denied that they intended to change
14 the customer's preferred carrier? If so, provide
15 any documents related to the discovery in this
16 packet. Describe each instance in detail
17 including but not limited to date, customer name,
18 customer telephone number, content of the
19 conversation."

20 Q. Okay. Thank you for reading that.
21 You testified earlier that you received a

1 separate document that had these questions
2 attached to it. You did not receive this letter
3 dated November 1st from the FCC, did you?

4 A. That is correct. I have not seen this
5 entire document.

6 Q. Until today?

7 A. Yes.

8 Q. Do you happen to have a copy of the
9 document that you did receive?

10 A. No, sir.

11 Q. Do you recall that you received it
12 from Ms. Dennie?

13 A. Vaguely. Sure.

14 MR. HARKRADER: Have you ever seen a
15 copy of that?

16 MR. HAWA: What were you talking
17 about?

18 MR. HARKRADER: The letter or the --
19 whatever he got. Whatever Mr. Chill received in
20 writing from Ms. Dennie.

21 MR. HAWA: No.

1 MR. HARKRADER: Can you make some
2 inquiries on that?

3 BY MR. HARKRADER:

4 Q. Now having just read question 7 from
5 the FCC's November 1st letter, is question 7
6 identical in wording to what you received from
7 Ms. Dennie?

8 A. As per my recollection, it seems so.
9 If I'm recalling correctly. You're asking me to
10 jog a nine-month old memory of one document that,
11 to me, had only so much importance to my day, not
12 realizing it was so important. I'm recalling --
13 the form looks vaguely familiar.

14 Q. The form?

15 A. The form, meaning the date, customer
16 name, customer telephone number. You know what
17 I'm saying? The fact of this looks a bit
18 familiar. I'm speculating that I got the copy of
19 this page and this page, with maybe like stars by
20 the numbers, telling me please answer these
21 questions. That's how it's coming up in my

1 recollection, but I can't be sure.

2 Q. So your recollection is that you also
3 received a page with questions 4, 5, and 6 which
4 are also on the same page as question 7?

5 A. You're asking me a question I can't
6 answer with certainty. But I seem to have that
7 in the back of my mind. I think I did get the
8 pages that are here but told to focus on
9 questions 7 through 11.

10 Q. You don't remember receiving any other
11 pages other than the pages that contained --

12 A. I'm quite certain I didn't receive
13 those.

14 Q. Okay. Let me finish my question.

15 A. Sorry.

16 Q. You don't remember receiving any other
17 pages attached to this November 1st letter other
18 than the page including questions 8 through 11?

19 A. 8 through 11. Oh, the questions.
20 That is correct. Correct. I am very certain I
21 did not see the bulk of this letter and I'm

1 fairly certain that I got these questions in the
2 form they're presented here.

3 Q. So you didn't receive the first page
4 of the letter dated November 1st?

5 A. I can tell you with confidence that
6 today is the first time I recall seeing it.

7 MR. HAWA: I'll make some inquiries,
8 but if he just got a copy of these two pages and
9 she starred the ones she wanted him to answer,
10 then I probably am not going to be able to
11 produce anything.

12 MR. HARKRADER: If you could run that
13 down, that's great.

14 BY MR. HARKRADER:

15 Q. Did you have any understanding that
16 all of the responses that BOI was required to
17 provide to the FCC were required to be under
18 oath?

19 A. No, sir.

20 Q. Ms. Dennie did not tell you that?

21 A. If she did, I don't recall it.

1 Q. You stated just a couple of minutes
2 ago that you didn't realize it was important.

3 A. Misspoke. I possibly didn't realize
4 the gravity of it as being -- but now I'm
5 speaking with an FCC attorney here that would
6 suggest some gravity I may not have assigned it
7 at the time.

8 Q. Did there come a time when you
9 realized the gravity of this request from the
10 FCC?

11 A. Yes, sir. That would be when we shook
12 hands.

13 Q. Today?

14 A. Correct. Let me add, I would not have
15 modified my questions in any way. I would have
16 responded similarly and honestly and completely.
17 It just seemed to be a matter of course. We're
18 in a telecom industry. Regulatory matters, I
19 knew, were common. I'm happy to comply then as
20 now. I just wasn't copied on exactly the
21 circumstances at the time.

1 Q. I'd like to direct your attention back
2 to question 7 which asks whether BOI or its
3 agents found any instances since April 1st of
4 2002 in which a BOI telemarketing employee told a
5 customer that they were representing the
6 customer's telephone company and denied that they
7 intended to change the customer's preferred
8 carrier.

9 Will you read your response to
10 question 7 into the record please?

11 A. Certainly. "I do have only one single
12 such instance of the misrepresentation described
13 in this point and this occurred over five months
14 ago. Our tape auditor caught this example and it
15 did not result in a sale. I have no means by
16 which I can retrieve the documents related to
17 this situation. I don't recall even the
18 representative involved. Any such instance
19 depending on how flagrant would result in
20 immediate suspension or termination."

21 Q. Did anybody at Business Options review

1 your response to question 7?

2 A. I have no way of knowing, sir.

3 Q. Did you speak with anyone at Business
4 Options or Buzz Telecom about your response to
5 question 7?

6 A. I did not.

7 Q. On what were you basing your response
8 to question No. 7?

9 A. My recollection.

10 Q. Did you do any research within the
11 company?

12 A. I didn't feel there was any I could
13 do. I simply responded as best I could as per my
14 recollection.

15 Q. Do you recall if the instance that you
16 remembered and referenced in response to question
17 7 if that ended in a termination?

18 A. I'm almost positive it did. I can't
19 recall with certainty, but I want to tell you
20 yes, I'm confident that was the result.

21 Q. But you don't recall the

1 representative involved?

2 A. I just don't. An African American
3 woman, I'm almost certain. A very easy call on
4 the termination, if I'm recalling correctly.
5 That's a very easy call to make. I mean, You're
6 out of here. She knew it. That's the best I can
7 do for you.

8 Q. If you recalled her name would you
9 have been able to provide additional information
10 such as documents?

11 A. Probably. I bet so.

12 Q. Did you ask anyone at Business
13 Options, for example, the sales manager?

14 A. The problem is, at the time the
15 question was posed from the time of the incident,
16 almost a complete personnel change of management
17 and director of personnel. And I probably felt
18 it wouldn't be productive. No one in the
19 relevant positions in that matter were the same
20 people, the same administrative staff. So it
21 would have been a nightmare trying to hunt down

1 who and where and when.

2 Q. Is it possible to hunt down who and
3 when?

4 A. I wouldn't know how to.

5 Q. Did you bring it to anyone's attention
6 at BOI, the fact that you couldn't hunt down this
7 person?

8 A. I don't think I did.

9 Q. Why not?

10 A. I simply answered the questions and
11 turned that form in.

12 Q. Do you remember who the tape auditor
13 was?

14 A. I do not. Again, that position would
15 have changed a number of times by then.

16 Q. So is it your memory that the tape
17 auditor or the individual who held the position
18 of tape auditor -- and I assume there was only
19 one tape auditor at a given time?

20 A. I believe so. We might have had two
21 -- I think there were one or two depending on how

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1 many sales reps we had going, I believe. But,
2 yes, just one or two.

3 Q. So it's your memory that at the time
4 you were responding to the FCC's question 7, the
5 tape auditor at that time was different than the
6 tape auditor who was in the tape auditor position
7 when this instance occurred?

8 A. Yes. Twice over.

9 Q. Do you remember who the tape auditor
10 was at the time that this representative was
11 caught?

12 A. I don't know, sir. And I don't know
13 that I knew the person at the time.'

14 Q. Would there have been any way to find
15 out?

16 A. I don't know how I would have done
17 that.

18 Q. Did you understand question 7 to imply
19 to your knowledge or to BOI's knowledge?

20 A. To my knowledge.

21 Q. Why was that?

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1 A. I didn't consider I could speak for
2 others. If I knew about it though, I would have
3 reported it. I don't know that there was a
4 difference really. I don't know that it could
5 have escaped my knowledge.

6 Q. At this time you were, I believe, an
7 employee of Buzz Telecom, correct?

8 A. That is correct.

9 Q. Did you understand that when the
10 Commission referred to BOI in question 7, they
11 were also referring to Buzz Telecom?

12 A. Oh, I didn't care. Or U.S. Bell. I
13 looked at it from whatever perspective.

14 Q. So you understood that you were
15 responding to this question on behalf of Buzz
16 Telecom and BOI?

17 A. Absolutely.

18 Q. Will you read question 8 from the
19 February 1st letter from the FCC into the record
20 please?

21 A. Certainly. "Has BOI or its agents

1 found any instances since April 1, 2002 in which
2 BOI telemarketing employees told a customer that
3 they were representing AT&T? If so, provide any
4 documents related to the discovery of this
5 practice and describe each instance in detail
6 including but not limited to date, customer name,
7 customer telephone number, content of the
8 conversation."

9 Q. And what was your response to question
10 8?

11 A. Didn't come up on my watch.

12 Q. Will you read your response?

13 A. "I have reviewed no such examples as
14 described in this question."

15 Q. Did you talk to anyone else at
16 Business Options or Buzz about this question?

17 A. I did not.

18 Q. Did you do any research to determine
19 if anyone else knew if such an instance had
20 occurred?

21 A. If such an instance had occurred, it

1 would have come to my attention. It's simply not
2 possible to escape my attention.

3 Q. But it's my understanding that you
4 began employment there in May?

5 A. I am only referring to the period of
6 my employment.

7 Q. But if something had occurred in
8 April, how would you have known about it?

9 A. I see. I would not have.

10 Q. Did you consider asking anyone else
11 about anything that may have happened in April
12 that would have been responsive to question 8?

13 A. I did not.

14 Q. What about with respect to question 7?

15 A. I did not.

16 Q. In your response to question 8, is it
17 fair to say that you were saying that there are
18 no such examples?

19 A. There were no such examples, correct.

20 Q. I asked that question because when you
21 say "I have reviewed no such examples," there's

1 what I would consider to be wiggle room there on
2 behalf of the company.

3 A. I can assert that none of our
4 telemarketers uttered AT&T in reference to their
5 company, their employment, during my time there.
6 It would have come to my attention had that
7 occurred. That is an example of malfeasance of a
8 magnitude that would not have escaped my control,
9 my responsibility.

10 Q. Again you may have answered this, but
11 did you base your response to question 8
12 completely on your memory and recollection at
13 that time?

14 A. That's correct. Yes, sir.

15 Q. At that time did you consider this
16 answer, this response to question 8, to be
17 accurate and complete?

18 A. I did.

19 Q. At the time that you wrote these
20 responses, did you consider your response to
21 question 7 to be accurate?

1 A. Absolutely.

2 Q. Will you please read question 9 from
3 the FCC's November 1st letter into the record?

4 A. Certainly. "Has BOI or its agents
5 found any instances since April 1, 2002, in which
6 BOI telemarketing employees asked a third-party
7 verifier to answer yes or the telemarketer would
8 lose his or her job. If so, provide any
9 documents related to the discovery of this
10 practice and describe each instance in detail,
11 including but not limited to, date, customer
12 name, customer telephone number, content of the
13 conversation."

14 Shall I read the answer?

15 Q. In a minute. You testified previously
16 that your recollection is that Ms. Dennie may
17 have provided you with a copy of this page?

18 A. Correct. May have, yes.

19 Q. Did you understand what question 9 was
20 trying to get at?

21 A. Sure.